

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
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ELSA GULINO, ET AL.,

USDC SDNY  
DOCUMENT  
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DATE FILED: 4/22/2022

Plaintiffs,

-against-

96-CV-8414 (KMW)

THE BOARD OF EDUCATION OF THE  
CITY SCHOOL DISTRICT OF THE CITY  
OF NEW YORK,

**ORDER**

Defendant.

-----X  
KIMBA M. WOOD, United States District Judge:

On May 20, 2014, this case was referred to Special Master John S. Siffert pursuant to Federal Rule of Civil Procedure 53(a)(1)(B) and this Court's inherent equitable powers and authority. (ECF Nos. 435, 524.) On April 6, 2022, Special Master Siffert filed a Report and Recommendation (the "R&R") regarding a fourth cohort of claimants whose damages consist only of fees incurred to take the Liberal Arts and Sciences Test ("Fourth Cohort of LAST Fees Only Class Members"), as listed in Exhibit 1 to the R&R. (ECF No. 9881.) The Special Master recommended that this Court adopt the Proposed Findings of Fact and Conclusions of Law for each claimant in the Fourth Cohort of LAST Fees Only Class Members, found in Exhibit 2 to the R&R; direct entry of the Proposed Judgments for those claimants, also contained in Exhibit 2 to the R&R; and certify those Proposed Judgments as final and appealable pursuant to Federal Rule of Civil Procedure 54(b). (*Id.*)

The parties agree that objections that have been preserved in the record do not need to be resubmitted to the Court in connection with the R&R. The parties further agree that the Court

may adopt or reject the R&R on the basis of the arguments and objections to rulings contained in the record.

As set forth in the Second Amended Order of Appointment and consistent with Federal Rule of Civil Procedure 53(f), the Court reviews *de novo* all objections to conclusions of law and findings of fact made or recommended by the Special Master. (ECF No. 524.) Upon *de novo* review of the R&R, as well as the Findings of Fact and Conclusions of Law—and after reviewing the previous Interim Reports and Recommendations that this Court has already adopted—the Court adopts the Special Master’s R&R in its entirety.

Accordingly, the Court respectfully directs the Clerk of Court to enter the Proposed Judgments for the Fourth Cohort of LAST Fees Only Class Members. For the reasons set forth in the R&R, the Court holds there is no just reason for delay and certifies the judgments as final and appealable pursuant to Federal Rule of Civil Procedure 54(b).

SO ORDERED.

Dated: New York, New York  
April 22, 2022

/s/ Kimba M. Wood  
KIMBA M. WOOD  
United States District Judge